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U.S. PROBATION OFFICE
PUERTO RICO DISTRICT

IN THE UNITED STATES DISTRICT COURT SEP 13 1 51 PM '00
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

- [1] MARGARITA FONSECA-BERMUDEZ,
(Counts 1-3)
 - [2] JESUS ROLANDO BANKS-RIVERA
(Counts 1-3)
 - [3] EDWIN FRANCO-RIVERA, ^{Alma}
aka "El Jibaro;"
(Counts 1-3)
 - ^{Brinda} [4] REYNALDO LUIS CRUZ-HERNANDEZ,
(Counts 1-3)
 - [5] JOSE FRANCISCO PORRATA-SANCHEZ,
aka "Porky;"
(Counts 1-3)
 - [6] RAMON LUIS FELIX-TORRES,
(Counts 1-3)
 - [7] MARTA HERNANDEZ-APONTE, ^{firma}
(Counts 1-3)
- Defendants.

INDICTMENT

Jm
Criminal No. 99-256/PAS)

Violations:

Title 21, USC, Section 846;
[COUNT 1];

Title 21, USC, Section 1956 (h);
[COUNT 2];

Title 18, USC, Section 982;
[COUNT 3];

[THREE COUNTS]

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THE GRAND JURY CHARGES:

COUNT ONE

From on or about 1992, and continuing until the return of this indictment, in the District of Puerto Rico and elsewhere, and within the jurisdiction of this Court,

- [1] MARGARITA FONSECA-BERMUDEZ,**
- [2] JESUS ROLANDO BANKS-RIVERA,**
- [3] EDWIN FRANCO-RIVERA,**
aka "El Jibaro;"

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[4] REYNALDO LUIS CRUZ-HERNANDEZ,

[5] JOSE FRANCISCO PORRATA-SANCHEZ
aka "Porky;"

[6] RAMON LUIS FELIX TORRES,

[7] MARTA HERNANDEZ-APONTE,

the defendants herein, did, knowingly and intentionally, combine, conspire, and agree with each other and with divers other persons to the grand jury known and unknown, to commit an offense against the United States, to wit, to knowingly and intentionally distribute multi-kilogram quantities of controlled substances, that is to say, in excess of one (1) kilogram of Heroin, a Schedule I Narcotic Drug Controlled Substance, in excess of five (5) kilograms of Cocaine, a Schedule II Narcotic Drug Controlled Substance, in excess of five (5) kilograms of Cocaine Base, a Schedule II Narcotic Drug Controlled Substance, and in excess of fifty (50) pounds of Marihuana, a Schedule I Controlled Substance, as prohibited by Title 21, United States Code, Section 841(a)(1).

I. OBJECT OF THE CONSPIRACY

The object of the conspiracy was to distribute heroin, cocaine, cocaine base (crack cocaine), and marihuana, at the Borinquen and Vives Ward in Guayama, Puerto Rico, for significant financial gain or profit.

II. MANNER AND MEANS USED TO ACCOMPLISH THE CONSPIRACY

The manner and means by which the defendants and co-conspirators would further and accomplish the objects of the conspiracy included among others the following:

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1. They would purchase multi-kilogram quantities of heroin, cocaine and marihuana at wholesale prices for subsequent sale at the Borinquen and Vives Wards drug points for substantial gain and profit.

2. They would cook part of the cocaine purchased and create cocaine base (crack cocaine), which was also packaged in small packages for subsequent sale at the Borinquen and/or Vives Wards drug points.

3. They would use residences and other locations in order to store and package the heroin, cocaine and marihuana.

4. They would posses firearms in order to protect themselves and the drug points from others competing drug organizations.

5. It was further part of this conspiracy to purchase properties and place them in the name of third parties in order to conceal same from law enforcement personnel.

III. ROLES OF THE MEMBERS OF THE CONSPIRACY

A. Leaders

1. **MARGARITA FONSECA-BERMUDEZ** was one of the principal leaders and organizers of this drug-trafficking organization. She did lead, organize, control, enforce through the use of violence, and supervise the sales of controlled substances at the drug points located at the Borinquen and Vives Ward, in Guayama, Puerto Rico. She did direct and supervise numerous subordinates whose principal tasks were: (a) to supply sellers with the drugs to be sold and collect the proceeds derived from their sale at drug points; (b) to package drugs for subsequent sale at drug points; (c) to provide protection to both herself and the illegal narcotics being sold at drug points;

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and (d) to sell narcotics at drug points. She was assisted by her brothers, Johnny Fonseca-Bermúdez, Juan Fonseca-Bermúdez, Edwin Fonseca-Bermúdez, Guillermo Fonseca-Bermúdez, aka "Wicharo" and Tito Fonseca-Bermudez, un-indicted herein, in the administration of the Borinquen and Vives drug points

2. **JESUS ROLANDO BANKS-RIVERA** was one of the leaders and supervisors of this drug-trafficking organization. He was in charge of purchasing, on behalf of [1] **MARGARITA FONSECA-BERMUDEZ**, some of the heroin that was to be sold at the Borinquen and Vives Ward drug points. He would also direct and supervise numerous subordinates whose principal tasks were among others to : (a) to supply sellers with the drugs to be sold and collect the proceeds derived from their sale at drug points; and (b) to package drugs for subsequent sale at drug points.

B. Runners

[1] **MARGARITA FONSECA-BERMUDEZ**, would employ runners for her drug-trafficking organization. These runners would receive packaged narcotics from [1] **MARGARITA FONSECA-BERMUDEZ**, Johnny Fonseca-Bermúdez, Juan Fonseca-Bermúdez, Edwin Fonseca-Bermúdez, Guillermo Fonseca-Bermúdez, aka "Wicharo" and Tito Fonseca-Bermúdez and deliver them to the sellers for sale at the drug points and would collect the proceeds derived from sales already completed by the sellers. Runners would be responsible for the status of the inventory of illegal narcotics sold at the drug points and for supervising the operations at a given drug point. Among the co-conspirators that acted as runners and sellers during pertinent times of the conspiracy were [3] **EDWIN FRANCO RIVERA**, aka "El Jíbaro", [4] **REYNALDO LUIS CRUZ**.

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HERNANDEZ, [5] JOSE FRANCISCO PORRATA-SANCHEZ, aka "Porky", Pedro Octavio Diaz-Reyes, Antonio Ortiz-Perales, aka "Anthony", un-indicted herein, and others.

C. Triggermen

[1] **MARGARITA FONSECA- BERMUDEZ, [2] JESUS ROLANDO BANKS-RIVERA**, Johnny Fonseca-Bermúdez, Juan Fonseca-Bermúdez, Edwin Fonseca-Bermúdez, Guillermo Fonseca-Bermúdez, aka "Wicharo" and Tito Fonseca-Bermúdez had triggermen who were part of this drug-trafficking organization. These triggermen would possess, carry, use and brandish firearms, using them to provide protection to the leaders of the organization as well as to the drug operations of the conspiracy from rival drug-trafficking organizations. Among the persons that acted as triggerman were Pedro Octavio Cruz-Reyes, Antonio Ortiz Perales, aka "Anthony", and others.

D. Drug Sellers

[1] **MARGARITA FONSECA-BERMUDEZ**, Johnny Fonseca-Bermúdez, Juan Fonseca-Bermúdez, Edwin Fonseca-Bermúdez, Guillermo Fonseca-Bermúdez, aka "Wicharo" and Tito Fonseca-Bermúdez, un-indicted herein, would employ drug sellers for this drug-trafficking organization. Drug sellers would sell heroin, cocaine, cocaine base (crack cocaine) and marihuana at the Borinquen and Vives Wards drug points. Among the sellers, in addition to those mentioned above were, [5] **RAMON LUIS FELIX-TORRES**, minors (under the age of 18 years old) and others.

IV. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of this conspiracy and to effect and accomplish the objects of the same, one or more of the conspirators committed, among others, the following overt acts:

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1. On or about August 26, 1996, [1] **MARGARITA FONSECA-BERMUDEZ**, and [2] **JESUS ROLANDO BANKS-RIVERA**, at the Borinquen Ward in Guayama, Puerto Rico, possessed with intent to distribute approximately one point thirty-eight (1.38) grams of cocaine and four thousand six hundred and seventy-one dollars with twenty-five cents (\$4, 671.25), in small denominations.

2. On or about December 5, 1997, [2] **JESUS ROLANDO BANKS-RIVERA**, at the Vives Ward, in Guayama, Puerto Rico, possessed with intent to distribute point forty-eight (.48) grams of heroin.

3. On or about March 20, 1998, [2] **JESUS ROLANDO BANKS-RIVERA** and [3] **EDWIN FRANCO-RIVERA**, aka "El Jíbaro" at the Vives Ward in Guayama, Puerto Rico, possessed with intent to distribute zero point forty (.040) grams of heroin.

4. On or about August 19, 1998, at the Vives Ward in Guayama, Puerto Rico, [4] **REYNALDO LUIS CRUZ-HERNANDEZ**, and [5] **RAMON LUIS FELIX-TORRES**, possessed approximately three point zero three (3.03) grams of heroin, zero point nineteen (.019) grams of cocaine and six hundred and forty six dollars (\$646.00) in small denominations.

5. On or about August 29, 1998, at the Vives Ward in Guayama, Puerto Rico, [4] **REYNALDO LUIS CRUZ-HERNANDEZ**, possessed with intent to distribute approximately thirteen point zero nine (13.09) grams of heroin.

6. On or about September 11, 1998, [2] **JESUS ROLANDO BANKS-RIVERA**, [4] **REYNALDO LUIS CRUZ-HERNANDEZ**, [5] **JOSE FRANCISCO PORRATA-SANCHEZ**, aka " Porky" , and [6] **RAMON LUIS FELIX-TORRES** possessed with intent to

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distribute at the Vives Ward, in Guayama, Puerto Rico, approximately one point eighty-seven (1.87) grams of heroin.

7. During pertinent times of this conspiracy, [5] JOSE FRANCISCO PORRATA-SANCHEZ, aka "Porky", and [7] MARTA HERNANDEZ-APONTE would conceal the narcotics that belonged to [1] MARGARITA FONSECA-BERMUDEZ at their respective residences in order to avoid detection by law enforcement personnel.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

From on or about 1992, and continuing until the return of this indictment, in the District of Puerto Rico and elsewhere, and within the jurisdiction of this Court,

[1] MARGARITA FONSECA-BERMUDEZ,

[2] JESUS ROLANDO BANKS-RIVERA,

[3] EDWIN FRANCO-RIVERA,
aka "El Jibaro;"

[4] REYNALDO LUIS CRUZ-HERNANDEZ,

[5] JOSE FRANCISCO PORRATA-SANCHEZ
aka "Porky;"

[6] RAMON LUIS FELIX TORRES,

[7] MARTA HERNANDEZ-APONTE,

the defendants herein, did unlawfully, knowingly, intentionally, and willfully combine, conspire, confederate and agree together and with each other and with divers persons, both known and

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unknown to the Grand Jury, to commit offenses against the United States in violation of Title 18,
United States Code, Section 1956, including:

A. To knowingly conduct or attempt to conduct financial transactions, knowing that the proceeds involved in the financial transactions represented the proceeds of some form of unlawful activity, when the financial transactions in fact involved the proceeds of specified unlawful activity, to wit: the importation, sale and otherwise dealing in narcotics or other dangerous drugs, as defined in Title 21, United States Code, with the intent to promote the carrying on of specified unlawful activity and knowing that the transactions are designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, contrary to the provisions of Title 18, United States Code, Section 1956(a)(1);

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

The Overt Acts listed in Count One of the instant indictment are realleged and incorporated herein by reference as if set forth fully herein and are further designated as Overt Acts in furtherance of the conspiracy charged in Count Two of this indictment.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT THREE

A. As a result of a conviction of Counts One through Two of this indictment which are incorporated herein by reference,

[1] MARGARITA FONSECA-BERMUDEZ,

[2] JESUS ROLANDO BANKS-RIVERA,

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**[3] EDWIN FRANCO-RIVERA,
aka "El Jibaro;"**

[4] REYNALDO LUIS CRUZ-HERNANDEZ,

**[5] JOSE FRANCISCO PORRATA-SANCHEZ
aka "Porky;"**

[6] RAMON LUIS FELIX TORRES,

[7] MARTA HERNANDEZ-APONTE,

the defendants herein, shall forfeit to the United States all property, both real and personal involved in, constituting, derived from, or traceable to proceeds obtained directly or indirectly as a result of the above mentioned offenses.

B. By virtue of the involvement of the assets set forth above in violation of Title 18, Section 1956, United States Code, any and all interest of the defendants in the above described assets is forfeited to the United States pursuant to Title 18, United States Code, Section 982(a)(1) and (2).

C. Substitute Assets. In the event any of the above mentioned assets, as a result of any act or omission of the defendants:

1. cannot be located upon exercise of due diligence;
2. has been transferred or sold to, or deposited with a third party;
3. has been placed beyond the jurisdiction of this court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty,

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it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1)(A) and (B), and Title 21, United States Code, Section 853(p), United States Code, to seek forfeiture of any other property of the defendants, up to an amount equivalent to the value of the property forfeitable under Section 982(a)(1) and (2), that is, one million three hundred thousand dollars (\$1,300,000). All in violation of Title 18, United States Code, Section 982.

TRUE BILL

Pablo J. Rodriguez
FOREPERSON

GUILLERMO GIL
United States Attorney

M.G.G.
Miguel A. Pereira
Assistant U.S. Attorney
Deputy Chief Criminal Division

S.T.
Sonia I. Torres
Assistant U.S. Attorney

Dated: 8. 19. 99